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Attorneys for Defendant  
SPRING VALLEY HOSPITAL MEDICAL CENTER

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MICHELLE E. BUTTS, individually and as )  
Special Administratrix of the Estate of DAVID )  
PAUL BUTTS, Deceased, and as Guardian of )  
Minor heirs LISA M. BUTTS, RENEE E. BUTTS, )  
DENNIS W. BUTTS, and STEPHANIE R. BUTTS; )  
CHRISTOPHER M. BUTTS; STEPHEN P. BUTTS; )  
and ERIC D. BUTTS; )

**2:05-cv-01434**

Plaintiffs,

vs.

UNIVERSAL HEALTH SERVICES, INC., )  
a Delaware corporation; UHS OF DELAWARE, INC., )  
a Delaware corporation, Management Subsidiary of )  
UNIVERSAL HEALTH SERVICES INC.; VALLEY )  
HEALTH SYSTEM, LLC, a Delaware Limited )  
Liability Company, doing business as SPRING )  
VALLEY HOSPITAL MEDICAL CENTER, a )  
Owned subsidiary of UNIVERSAL HEALTH )  
SERVICES, INC.; GILBERTO RUIZ, M.D.; and )  
JANIE KWAK-TRAN, M.D., )

Defendants.

**THE ANSWER AND AFFIRMATIVE DEFENSES  
OF SPRING VALLEY HOSPITAL MEDICAL CENTER DEFENDANTS**

Defendant Universal Health Services, Inc., UHS of Delaware, Inc., and Valley Health  
System, LLC (hereinafter collectively referred to as "Spring Valley Hospital"), by and through

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its attorneys, Hall Prangle & Schoonveld, LLC, respectfully submits its Answer and Affirmative Defenses to Plaintiffs' Complaint:

**GENERAL ALLEGATIONS**

1. In answering Paragraph I of Plaintiffs' Complaint, these answering Defendants admit that Universal Health Services, Inc., UHS of Delaware, Inc., and Valley Health Systems, LLC are all Delaware Corporations doing business in the State of Nevada. As to the remainder of the allegations, Defendant Spring Valley Hospital is without sufficient information to form a belief as to the truth of the allegations and therefore denies the same.

2. In answering Paragraph II of Plaintiffs' Complaint, these answering Defendants admit that Universal Health Services, Inc., UHS of Delaware, Inc., and Valley Health Systems, LLC are all Delaware Corporations doing business in the State of Nevada.

3. In answering Paragraphs III, IV, V, VII, IX, X, XI, and XII of Plaintiffs' Complaint, these answering Defendants are without sufficient information to form a belief as to the truth of the allegations and therefore denies the same.

4. In answering Paragraphs VI and VIII of Plaintiffs' Complaint, these answering Defendants deny the allegations contained therein.

5. In answering Paragraph XIII of Plaintiffs' Complaint, as pertaining to these answering Defendants, these answering Defendants deny each and every allegation contained therein; as to the remainder of Defendants, these answering Defendants are without sufficient information to form a belief as to the truth of the allegations contained therein, and therefore denies the same. These answering Defendants further deny paragraph 5 (a) – (c) and 6, inclusive, of the expert affidavit of Robert F. Busch. As to the remaining paragraphs of the affidavit of Robert F. Busch, these answering Defendants are without sufficient information to form a belief as to the truth of

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1 the allegations contained therein, and therefore deny the same.

2 6. In answering Paragraph XIV, XV, XVI, XVII and XVIII of Plaintiffs' Complaint, as  
3 pertaining to these answering Defendants, these answering Defendants deny each and every  
4 allegation contained therein; as to the remainder of Defendants, these answering Defendants are  
5 without sufficient information to form a belief as to the truth of the allegations contained therein,  
6 and therefore deny the same.  
7

### 8 **AFFIRMATIVE DEFENSES**

#### 9 **First Defense**

10 The Complaint fails to state a claim against Spring Valley Hospital upon which relief can  
11 be granted.  
12

#### 13 **Second Defense**

14 Spring Valley Hospital asserts any and all statutes of limitation, limitations of action,  
15 defenses in abatement, estoppel, laches and statutes of repose including those provisions  
16 available to Spring Valley Hospital under the Federal Rules of Civil Procedure, the Nevada  
17 Rules of Civil Procedure, and the Nevada Supreme Court Rules, in full avoidance of any and all  
18 claims or causes of action.  
19

#### 20 **Third Defense**

21 Spring Valley Hospital would show the sole proximate cause of the injuries and damages  
22 complained of was the negligence of other persons, firms, or corporations for which Spring  
23 Valley is not responsible as a matter of law and should be apportioned pursuant to Nevada law.  
24

#### 25 **Fourth Defense**

26 Spring Valley Hospital would show the sole proximate cause of the injuries and damages  
27 complained of was the negligence of David Paul Butts and/or his beneficiaries and if said  
28

1 negligence was not the sole proximate cause, then it constituted a major contributing cause  
2 thereto.

3 **Fifth Defense**

4 Spring Valley Hospital exercised that reasonable degree of skill and care expected of and  
5 required of professionals in the same or similar field in the same or similar circumstances.  
6

7 **Sixth Defense**

8 Pursuant to NRCP 11, as amended, all possible Affirmative Defenses may not have been  
9 alleged herein insofar as sufficient facts were not available after reasonable inquiry upon the  
10 filing of Defendant's Answer, and therefore, Defendant reserves the right to amend its Answer to  
11 allege additional Affirmative Defenses if subsequent investigation warrants.  
12

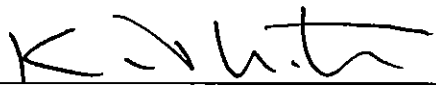
13 WHEREFORE, Defendants pray for judgment as follows:

- 14 1. That Plaintiffs take nothing by virtue of their Amended Complaint;  
15 2. For reasonable attorney's fees and costs of suit incurred herein; and  
16 3. For such other and further relief as the Court deems just and proper.  
17

18 Dated: January 4th, 2006.

19 HALL PRANGLE & SCHOONVELD, LLC

20  
21 By:

  
22 BENJAMIN E. PATTERSON, ESQ.  
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**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that I am an employee of HALL PRANGLE & SCHOONVELD, LLC; that service of the foregoing **THE ANSWER AND AFFIRMATIVE DEFENSES OF SPRING VALLEY HOSPITAL AND MEDICAL CENTER DEFENDANTS** was made on the 4<sup>th</sup> day of January, 2006 by depositing a true copy of same in a sealed envelope, postage pre-paid, in the United States Mail, at Las Vegas, Nevada, addressed as follows:

Peter D. Durney, Esq.  
Durney & Brennan, Ltd.  
691 Sierra Rose Drive, Suite A  
Reno, Nevada 89511  
*Attorneys for Plaintiffs*

  
An Employee of HALL PRANGLE & SCHOONVELD, LLC

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